



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Tyrone Pierce,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2015-462

Chief, Police Department, Town of Putnam;
Police Department, Town of Putnam; and
Town of Putnam,
Respondent(s)

February 10, 2016

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, March 9, 2016**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE February 26, 2016**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE February 26, 2016**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE February 26, 2016**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Tyrone Pierce
Chief, Police Department, Town of Putnam;
Police Department, Town of Putnam; and
Town of Putnam

2016-02-10/FIC# 2015-462/Trans/wrbp/VB/VDH

An Affirmative Action/Equal Opportunity Employer

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Tyronne Pierce,

Complainant

against

Docket #FIC 2015-462

Chief, Police Department, Town of
Putnam; Police Department, Town of
Putnam; and Town of Putnam,

Respondents

January 26, 2016

The above-captioned matter was heard as a contested case on December 1, 2015, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

The complainant, who is incarcerated, appeared via teleconference, pursuant to the January 2004 memorandum of understanding between the Commission and the Department of Correction. See Anthony Sinchak v. FOIC et al, Superior Court, Judicial District of Hartford, Docket No. CV 03-0826293 (corrected order dated January 27, 2004, *Sheldon, J.*)¹

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that, on June 22, 2015, the complainant made a written request to the respondents for the following records related to a complaint filed by the complainant with the respondents' Internal Affairs Division on November 16, 2014:
 - (a) The file number to my Complaint I sent to I.A.D. 11-16-14;
 - (b) The name of the investigator officer to my complaint dated 11-16-14;
 - (c) The name of the desk officer who spoke to Krist Campos when she turned herself into Putnam P.D. on or about 7-11-04;
 - (d) The investigative report to my complaint sent to I.A.D. Deputy Chief Leonel Konicki on 11-16-14; and

¹Absent any objection by the complainant, the hearing officer granted the respondent, Town of Putnam's, September 11, 2015 request to be removed as a named respondent in this matter.

- (e) Copy (ies) of any and all notes made by I.A.D. Leonel Konicki when he came to visit Tyrone L. Pierce at Osborn C.I.

3. By letter of complaint dated July 10, 2015 and filed on July 15, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act by failing to provide copies of certain records described in paragraph 2, above, in violation of the Freedom of Information Act.

4. Section 1-200(5), G.S., defines “public records or files” as:

any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

5. Section 1-210(a), G.S., provides in relevant part that:

Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours . . . (3) receive a copy of such records in accordance with section 1-212.

6. Section 1-212(a), G.S., provides, in relevant part, that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

7. It is found that, to the extent that the records identified in paragraph 2, above, exist and are maintained by the respondents, such records are public records within the meaning of §§1-200(5) and 1-210(a), G.S., and must be disclosed in accordance with §§1-210(a) and 1-212(a), G.S., unless they are exempt from disclosure.

8. Following the complainant’s filing of this complaint, it is found that on October 13, 2015, the respondents provided records responsive to the complainant’s request described in paragraph 2, above, to the Department of Correction pursuant to §1-210(c), G.S.

9. At the hearing in this matter, the complainant conceded that certain records were provided to him by the respondents but asserted that the respondents’ response was incomplete. Specifically, the complainant claimed that he did not receive the following records that he contends are responsive to his records request:

- (a) A particular shift log² that is referenced in the Admission section of an Internal Affairs Division report dated November 22, 2014 (hereinafter referred to as "IAD Report"), which report the complainant had previously received; and
- (b) Additional reports referred to in the Dudley Police Department shift log dated July 11, 2004, which shift log was provided to the complainant.

10. The respondents contended that they provided the Department of Correction with all the records that are responsive to the complainant's request as described in paragraph 2, above.

11. With respect to the records described in paragraph 9(a), above, the complainant claims that "shift logs" should exist that support the statement that "[a]s noted in the shift log [it] is clear that Sgt. Guay was aware of Campos' involvement in an armed robbery in Hartford," which statement appears in the IAD Report.

12. It is found that the respondents provided the Department of Correction with two (2) shift logs covering July 11, 2004, one from the Dudley Police Department and one from the Putnam Police Department. It is further found that the Dudley Police Department shift log provides the name of the officer who spoke to Ms. Campos when she turned herself into the Putnam Police Department on July 11, 2004, which is presumably in response to complainant's request described in paragraph 2(c), above.

13. It is found that there are no additional shift logs described in paragraph 9(a), above, that are responsive to the complainant's June 22, 2015 records request.³

14. The only remaining records at issue are those described in paragraph 9(b), above, for additional reports. In support of his claim that certain reports were not disclosed, the complainant relies on references in the June 11, 2004 Dudley Police Department shift log to "reporting" and "reports." However, it is found that those references are used to describe certain actions and not to describe the existence of written reports.

15. It is found that there are no additional reports described in paragraph 9(b), above, that are responsive to the complainant's June 22, 2015 records request.


16. Consequently, it is concluded that the respondents did not violate §§1-210(a) and 1-212(a), G.S., with respect to the request described in paragraph 2, above.

²During the hearing in this matter both the complainant and respondent Chief of Police referred to the dispatch logs as "shift logs." In addition, the IAD Report also refers to the dispatch logs as "shift logs." For purposes of clarity, the shift/dispatch logs will be referred to as "shift logs."

³The Commission notes that the complainant did not specifically ask for particular shift logs in his June 22, 2015 records request. Rather, it is the complainant's October 29, 2014 records request in which he requests particular shift logs, which October 29, 2014 request is not the subject of the present appeal before this Commission.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.


Virginia Brown
as Hearing Officer